IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 18388 of 2004(L)

PETITIONER:

KARIKKODE BAGAVATHI TEMPLE ADVISORY
COMMITTEE, REP. BY ITS PRESIDENT,
P.S.KARTHIKEYAN NAIR, S/O. SANKARA PILLAI,
PAYYAMPILLY HOUSE, MUTHALAKKODAM P.O.,
THODUPUZHA VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.T.V.GEORGE

RESPONDENTS:

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1. TRAVANCORE DEVASWOM BOARD,
REP. BY ITS SECRETARY, DEVASWOM BOARD OFFICE,
TRIVANDRUM.

2. ASST.COMMISSIONER,
DEVASWOM BOARD, TRIKKARIYOOR GROUP OF TEMPLE,
TRIKARIYOOR, KOTHAMANGALAM.

3. T.SAROJINI AMMA, W/O. LATE RAGHAVAN,
VADAKETHOPPIL, KARIKKODE, THODUPUZHA.

4. T.P.BALACHANDRA PANICKER,
VADAKETHOPPIL, KARIKKODE, THODUPUZHA.

5. KRISHNA KUMAR, S/O. LATE RAGHAVAN,
VADAKETHOPPIL, KARIKKODE, THODUPUZHA.

6. KARIKKODE NAINA MUSLIM MOSQUE,
REP. BY ITS PRESIDENT, P.P.ASIS, S/O. PAREED,
KARIKKODE, THODUPUZHA EAST.

7. LAND TRIBUNAL,
ELAMDESHAM, THODUPUZHA.

8. STATE OF KERALA,
REP. BY THE SECRETARY TO DEVASWOM DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, TDB
SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH
SRI.V.KRISHNA MENON
BY SR.GOVT.PLEADER SRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.18388 OF 2004)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Purchase Certificate No.56/74 issued by the Land Tribunal dtd.12.2.74 to the 3rd respondent.

Ext.P2: Copy of the Purchase Certificate No.55/74 issued by the Land Tribunal dtd.12.2.74 to the 4th respondent.

Ext.P3: Copy of the Circular No.43136/P1/71/HD dtd.20.3.74.

-True Copy-

P.A.to Judge.

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

WP(C) NO. 18388 OF 2004 - L

Dated this the 12th day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

Petitioner, a Temple Advisory Committee, has approached this Court seeking for an interim direction restraining respondents 3 to 5 from selling away the property referred to Exts.P1 and P2 Purchase Certificates issued by the Land Tribunal and also other consequential reliefs. Counsel appearing for the petitioner makes available to us a copy of the judgment in O.P.No.15066 of 1998 and seeks for similar directions.

2. Considering the facts and circumstances of the case, we are of the view that if the petitioner is aggrieved, the proper remedy is to file an appeal under the Kerala Land Reforms Act. Leaving open the right to the Board or any other party interested to file an appeal against the orders passed by the Land Tribunal, the writ petition is disposed of.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007